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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,890	03/17/2004	John K. Junkers	2839	4635
7590	06/30/2005		EXAMINER	
STRIKER, STRIKER & STENBY 103 East Neck Road Huntington Huntington, NY 11743			MITCHELL, KATHERINE W	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/802,890	JUNKERS, JOHN K.
	<b>Examiner</b>	<b>Art Unit</b>
	Katherine W. Mitchell	3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 1/24/05 and 3/17/04

- 4) Interview Summary (PTO-413) *With this action*  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 7-8 and 15-16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of copending Application No. 10/112101 in view of Hlinsky USP 4362449. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference of the resistive point and a breaking point is simply a matter of degree, and

breaking would be an obvious variant of resistive, as the resistive point will break if enough axial force is applied. Reading in light of the specification, the resistive point is described as either physically breaking a projection, or breaking the frictional grip of two press fit parts; thus "break" does not require physical destruction of the nut material, but includes overcoming strong frictional resistance. Further, they are not patentably distinct from each other because the addition of different frictional surfaces on the faces of a washer is well-known in the art as taught by Hlinsky USP 4362449. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of copending Application No. 10/112101 and Hlinsky before him at the time the invention was made, to modify copending Application No. 10/112101 as taught by Hlinsky to include different frictional properties of the washer facial surfaces of Hlinsky, in order to obtain better gripping between the washer and the object/substrate, and lower gripping between the washer and the nut, so that easier and more effective bolt tightening and elongation will occur. One would have been motivated to make such a combination because better connections with less work will be obtained.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claims 7-8 and 15-16 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 31-34 and 25-26 of copending Application No. 10427103 in view of Hlinsky USP 4362449. Although the conflicting claims are not identical, they are not patentably distinct from

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each other because the 10427103 application must inherently have a resistive point for the rotation of the washer and bolt to be stationary while the nut rotates.

Further, they are not patentably distinct from each other because the addition of different frictional surfaces on the faces of a washer is well-known in the art as taught by Hlinsky USP 4362449. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of copending Application No. 10427103 and Hlinsky before him at the time the invention was made, to modify copending Application No. 10427103 as taught by Hlinsky to include different frictional properties of the washer facial surfaces of Hlinsky, in order to obtain better gripping between the washer and the object/substrate, and lower gripping between the washer and the nut, so that easier and more effective bolt tightening and elongation will occur. One would have been motivated to make such a combination because better connections with less work will be obtained.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Claims 7-8 and 15-16 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 31-34 and 25-26 of copending Application No. 10/619831 in view of Hlinsky USP 4362449. Although the conflicting claims are not identical, they are not patentably distinct from each other because the addition of different frictional surfaces on the faces of a washer is well-known in the art as taught by Hlinsky USP 4362449.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of copending Application No. 10/619831 and Hlinsky before him at the time the invention was made, to modify copending Application No. 10/619831 as taught by Hlinsky to include different frictional properties of the washer facial surfaces of Hlinsky, in order to obtain better gripping between the washer and the object/substrate, and lower gripping between the washer and the nut, so that easier and more effective bolt tightening and elongation will occur. One would have been motivated to make such a combination because better connections with less work will be obtained.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 9-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 9 lines 3-7 recite "said bolt ...provided with a first face surface...a second face surface...and at least one ...surface adapted to cooperate with a bolt..." which is impossible. Examiner assumes line 3 should be --said washer--. Claims 10-16 are rejected as depending from claim 9.

***Claim Rejections - 35 USC § 103***

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube USP 3728933 in view of Hlinsky USP 4362449.

Grube teaches a washer with a body having an axis and first and second facial surfaces. Further, the washer has an additional turning resistant surface adapted to cooperate with a bolt, said additional turning resistant surface providing friction between the body and bolt to impede the bolt from turning and allowing the bolt to be axially displaced when the nut is turned (abstract Figs 4-7, col 3 line 59 - col 5 line 58). Grube Figs 4-7 teach the assembly of a washer in combination with the nut and bolt.

Regarding whether the washer is one or multiple elements, it would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have made the washer in one or multiple parts, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Fig 4-7 show the turning resistant surface connectable with a bolt thread.

Fig. 4-7 show the body movable in the axial direction, and with one portion provided with said additional turning resistant surface and another portion frictionally

connected to said one portion and provided with said second face surface which is adapted to frictionally cooperate with the object (at 24/25).

A breaking point is shown in Figs 6-7, which when broken when the bolt is turned, elongates the bolt in the axial direction.

However, Grube does not teach that the first washer face surface, adapted to cooperate with the nut, has a smaller frictional characteristic than the second washer face surface, adapted to cooperate with the object to be assembled.

First, examiner notes that claims 1-8 do not include the bolt or nut, and the washer stands alone, and thus either face can be considered the first or second face of the washer.

Hlinsky teaches in Fig 8 and col 7 lines 30-46 that a washer can have different frictional characteristics on different facial surfaces, and can be used to thus prevent the washer from turning when the fastener body is being tightened.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Grube and Hlinsky before him at the time the invention was made, to modify Grube as taught by Hlinsky to include different frictional properties of the washer facial surfaces of Hlinsky, in order to obtain better gripping between the washer and the object/substrate, and lower gripping between the washer and the nut, so that easier and more effective bolt tightening and elongation will occur. One would have been motivated to make such a combination because better connections with less work will be obtained.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Katherine W Mitchell  
Examiner  
Art Unit 3677

Kwm  
6.24.2005

